

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HILLDUN CORPORATION,

Plaintiff,

-v-

N:PHILANTHROPY LLC, YVONNE NIAMI, and
HOLDING COMPANY OF BEVERLY HILLS, LLC,

Defendants.
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23-CV-3178 (AS)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ARUN SUBRAMANIAN, United States District Judge:

After this Court directed entry of a final judgment against the defaulted defendants, the Court referred this action to Magistrate Judge Moses to conduct an inquest to address the costs and fees owed under the parties' arrangement. *See* Dkt. 32. In the Report and Recommendation filed on October 30, 2024, Magistrate Judge Moses recommended that plaintiff be awarded \$176,703.50 in attorneys' fees and \$402 in costs, for a total of \$177,105.50. *See* Dkt. 42.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court "must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only

conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).


In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections and warned that failure to timely file such objections would result in waiver of any right to object. *See* Dkt. 42 at 20. In addition, the Report and Recommendation expressly called the parties' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). *See id.* Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, the parties have waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety.

By December 6, 2024, Plaintiff shall submit a proposed final judgment incorporating the damages from this Court's order of default (Dkt. 32) and the costs and fees awarded here.

SO ORDERED.

Dated: November 22, 2024
New York, New York


ARUN SUBRAMANIAN
United States District Judge